

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EDWARD HERNANDEZ,
 Plaintiff

v.

WARDEN MARK ROCKOVICH,
et al.,
 Defendants

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No. 1:16-cv-02407

(Judge Kane)

ORDER

AND NOW, on this 30th day of September 2018, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. No. 23), is **GRANTED** as follows:
 - a. Plaintiff's First Amendment Access to the Courts claim against Defendants Larson, Rockovich, and Capitano in Count V of Plaintiff's amended complaint is **DISMISSED with prejudice**;
 - b. Defendant Capitano is **DISMISSED** from this action;
 - c. All claims for punitive damages against Luzerne County are **DISMISSED with prejudice**; and
2. Defendants' motion to dismiss (Doc. No. 23), is **DENIED** in all other respects.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania